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"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

VIA ECF

January 21, 2020

The Honorable George B. Daniels
U.S. District Judge
United States District Court
Southern District of New York
Daniel P. Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
U.S. Magistrate Judge
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: In re Terrorist Attacks on September 11, 2001
Case No. 03 MDL 1570 (GBD)(SN)
Burnett, et al. v. The Islamic Republic of Iran, et al.
Case No. 15 CV 9903 (GBD)(SN)
Arias, et al. v. The Islamic Republic of Iran
Case No. 19 CV 41 (GBD)(SN)
Prior, et al. v. The Islamic Republic of Iran
Case No. 19 CV 44 (GBD)(SN)

Dear Judge Daniels and Judge Netburn:

I submit this letter motion on behalf of the Plaintiffs in the above-named actions for whom final judgments are being sought against the Islamic Republic of Iran among others. Multiple motions seeking the entry of final judgments for economic losses on behalf of estates of individuals who were killed on September 11, 2001 and have been filed on the docket in both the overarching MDL and in the individual case dockets. See ECF Nos. 5643 (*Arias IV*), 5653 (*Prior III*), and 5663 (*Burnett/Iran XVI*).

In support of these motions, counsel have submitted Declarations and other proofs relating to the economic losses suffered by plaintiffs' decedents' estates, including economic experts' reports and other supporting documentation. Because of the sheer size of these exhibits and the confidential nature of certain information contained therein, including references to dates of birth throughout some of the information, as well as other personal identifying information, in accordance with Local ECF Rule 5.1 and this Court's Individual Rules of Practice, and consistent



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with the proposal made during the telephone conference with the Court on December 13, 2019 (concerning, among other things, the method for filing exhibits supporting economic loss claims), we respectfully request that in lieu of filing these voluminous documents in redacted form on the Court's electronic docket, we be granted leave to file the unredacted exhibits that represent their economic experts' findings on clearly marked discs with the Court. Courtesy copies of these motion papers, including their unredacted exhibits on disc, have previously been furnished to chambers. We ask that the Court issue an order to this effect both *nunc pro tunc* but also prospectively as there may be additional materials that Plaintiffs will need to file with the Court that will need to be similarly protected.

Furthermore, Plaintiffs are preparing to file motions for judgment on behalf of individuals injured on September 11, 2001 in accordance with Plaintiffs' January 10, 2020 Letter. *See* ECF No. 5484. Plaintiffs submit that the sworn declarations submitted by the individuals seeking damages judgments will be accompanied by other materials that would implicate the need to file these exhibits under seal, to wit, proof of citizenship documentation and medical records that would violate the Plaintiffs' privacy rights to the extent they were made available on the public docket. In order to protect the privacy of this data, and pursuant to the confines of the HIPAA, Plaintiffs propose to submit any exhibits to these declarations under seal while submitting the text of the declarations themselves on the public docket.

For the foregoing reasons, we respectfully ask that this Court so-order this request and allow exhibits including economic loss calculations and reports to be filed by disc with the Clerk of the Court and to be maintained under seal and to allow exhibits to declarations submitted on behalf of personal-injury plaintiffs to also be filed by disc with the Clerk of the Court and to be maintained under seal.

Respectfully submitted,

John M. Eubanks

cc: All MDL Counsel of Record (via ECF)